

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

Tevin Gagliano

-Plaintiffs

Case No:

vs.

Violations of the 4<sup>th</sup> and 14<sup>th</sup> Amendments of the U.S.  
Constitution by 42 U.S.C. § 1983,

City of Greenfield Police Officers  
Raed Mseitif and  
Nicholas Mayer

-Defendant(s)

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**Complaint**

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NOW COME Tevin Gagliano by his attorneys Strouse Law Offices and Napierala Law Offices and bring the following claims on their behalf under the 4<sup>th</sup> and 14<sup>th</sup> Amendments, as set out below, and these by 42. U.S.C 1983 as follows: 1) Use of Excessive Use of Force.

**PARTIES**

1. That Plaintiff Tevin Gagliano ("Plaintiff") is an adult male who is domiciled within the borders of the City and County of Milwaukee Wisconsin.
2. That Officer Raed Mseitif is a police officer of the City of Greenfield Police Department.
3. That Officer Nicholas Mayer is a police officer of the City of Greenfield Police Department.

## FACTS

4. That on or about 2/24/2018 Plaintiff had a suspended license and was driving in his girlfriend's car which had expired plates.
5. That Plaintiff was driving a car with his minor infant child inside in Greenfield Wisconsin when he was pulled over by Greenfield Police Officer Raed Mseitif.
6. That Greenfield Officer Raed Mseitif issued the plaintiff multiple traffic tickets and told Plaintiff not to drive anywhere.
7. Plaintiff was close to home and with his infant child in the car decided to drive home despite Mseitif's warning.
8. That soon after Officer Raed Mseitif pulled over the Plaintiff a second time.
9. That Plaintiff pulled the car into a gas station so as not to obstruct traffic and to stop where a security camera could record the event.
10. That when the Plaintiff parked the car, he rolled down the driver's side window, put his hands in plain view outside of the car and asked Officer Mseitif, "what's the fucking problem?"
11. That Officer Mseitif responded, "you are driving that's the fucking problem."
12. Soon after Greenfield Police Officer Nicholas Mayer arrived as back up.
13. That Officer Mseitif then proceeded to forcefully remove Plaintiff from the car.
14. Immediately thereafter Officers Mseitif and Mayer tackled the Plaintiff and struck him repeatedly with closed fists.
15. That at all times material hereto the Plaintiff was at best a non-violent resistor.
16. That at all times material hereto the Greenfield Police Officers were operating under color of state law
17. That the force used by Officers Mseitif and Mayer were excessive and caused the Plaintiff physical injuries, mental anguish and dignitary harm.

**COUNT 1**  
**4<sup>th</sup> Amendment Violations, Excessive Force and  
Freedom from Unreasonable Seizures and 14<sup>th</sup> Amendment Violations of Substantive  
Due Process by 42 U.S.C. 1983 vs.  
Greenfield Police Officers Mseitif and Mayer**

18. That Plaintiffs readopt and re allege Counts 1-17 as though fully set out herein.
19. That at all times material hereto Greenfield Police Officer Mseitif and Mayer were acting individually and in their official capacities as Greenfield Police Officers under the color of state law.
20. That the seizure of the Plaintiff by Offices Mseitif and Mayer were executed by means of excessive physical force and show of authority which was unreasonable under the circumstances and were deliberately indifferent towards the Plaintiff.
21. As a result of the actions of Officers Mseitif and Mayer the Plaintiff suffered physical, emotional, psychological and dignitary harm.

**Prayers for Relief**

**Wherefore,** The Plaintiff each individually and separately Pray for an Order of Judgment entered by this Court against Defendants Greenfield Police Officers Mseitif and Mayer for the harm set out above as follows:

- a. Under 42 U.S.C. 1983 - For actual, foreseeable, consequential, punitive, personal injury, pain and suffering, emotional and mental harm with permanency mental anguish, pain and suffering as a result of excessive force and/or deadly force.
- b. Specifically, for special damages under Rule 9(g), in the form of punitive damages.
- c. For reasonable attorney's fees as set out under 42 U.S.C. 1988.

Dated this 18<sup>th</sup> of February 2021

Attorneys for Plaintiff,

/s/ Paul Strouse

Paul Strouse- *Attorney at Law*

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